

**United States District Court**

**EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION**

BRIAN ANGOVE SMALE

§

V.

§

UNITED STATES OF AMERICA

§

CASE NO. 4:06cv6

(Judge Schneider/Judge Bush)

**MEMORANDUM ADOPTING REPORT AND RECOMMENDATION  
OF UNITED STATES MAGISTRATE JUDGE**

Came on for consideration the Report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the United States Magistrate Judge pursuant to 28 U.S.C. § 636. On August 2, 2006, the Report of the Magistrate Judge was entered containing proposed findings of fact and recommendations that Plaintiff's Second Motion for Default Judgment be DENIED.

Having received the report of the United States Magistrate Judge, and no objections thereto having been timely filed, this Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and adopts the same as the findings and conclusions of the Court. It is, therefore,

**ORDERED, ADJUDGED and DECREED** that Plaintiff's Second Motion for Default Judgment is **DENIED**.

SIGNED this 11st day of September, 2006.

  
MICHAEL H. SCHNEIDER  
UNITED STATES DISTRICT JUDGE